

**NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT  
AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE  
RULES. See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.**

FILED BY CLERK

OCT -9 2008

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

ANDREW LEE NEWTON,

Appellant.

2 CA-CR 2008-0029  
DEPARTMENT B

MEMORANDUM DECISION

Not for Publication  
Rule 111, Rules of  
the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. CR200700833

Honorable Joseph R. Georgini, Judge  
Honorable Bradley M. Soos, Judge Pro Tempore

AFFIRMED

Harriette P. Levitt

Tucson  
Attorney for Appellant

V Á S Q U E Z, Judge.

¶1 Following a jury trial, appellant Andrew Newton was convicted of possession of a dangerous drug and drug paraphernalia. The trial court found he had four historical prior felony convictions and sentenced him to concurrent, enhanced, minimum terms of eight and three years' imprisonment respectively.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), avowing she has reviewed the entire record and found no arguable issue to raise on appeal. She has also complied with *State v. Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999), by including “a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” Newton has not filed a supplemental brief.

¶3 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and are satisfied it supports counsel’s recitation of the facts. Viewed in the light most favorable to upholding the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that, during a search incident to Newton’s arrest on a separate charge, a Pinal County Sheriff’s officer found in Newton’s pocket a “Ziploc baggy” containing “a white crystal substance.” Later tests revealed the substance contained a usable quantity of methamphetamine. Substantial evidence supported all elements necessary for Newton’s convictions, *see* A.R.S. §§ 13-3407(A)(1), 13-3415(A), and the sentences the trial court imposed are within the statutory range authorized by A.R.S. § 13-604(C). We find no error warranting reversal and, therefore, affirm Newton’s convictions and sentences.

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GARYE L. VÁSQUEZ, Judge

CONCURRING:

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PETER J. ECKERSTROM, Presiding Judge

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PHILIP G. ESPINOSA, Judge